

Application No. 10/053756
Page 5

Amendment
Attorney Docket No. S63.2B-10056-US01

Remarks

This communication is in response to the Office Action dated May 18, 2004 in which claims 1-21 were rejected by the Examiner under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,254,632 ("Wu").

In regards to claims 1-21, Applicants respectfully disagree with the basis for the rejections put forth by the Examiner. For the reasons presented herein, Applicants submit that the claims are in condition for allowance.

35 U.S.C. § 102(e)

In the Office Action, claims 1-21 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Number 6,254,632 to Wu et al ("Wu"). These rejections are traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference" (MPEP §2131, citing *Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)).

Claim 1 of the instant application is directed toward "a medical device comprising a stent, the stent having a reduced state and an expanded state and being comprised of a plurality of interconnected struts, at least one strut at least partially coated with a substance, at least one strut having at least one bumper, the at least one bumper constructed and arranged to reduce or prevent contact between the substance and an adjacent component of the medical device when the stent is in the reduced state."

Wu does not describe such a medical device. Wu describes a device where the "protruding lip will push into the lumen wall." (Wu, col. 6, lines 21-22). In order to push into the lumen wall, the protrusions of Wu will necessarily be placed on a portion of the strut that will make contact with the lumen wall and not on a portion of the strut that would make contact with an adjacent strut, as in independent claim 1. That is, the protrusions of Wu are designed to make contact with the lumen wall and will not "reduce or prevent contact between the substance and an adjacent component of the medical device when the stent is in the reduced state", as recited in independent claim 1. Therefore, Applicants assert that the invention of instant claim 1 is not described in Wu and request the Examiner remove the rejection and allow the claim.

Application No. 10/053756
Page 6

Amendment
Attorney Docket No. S63.2B-10056-US01

Therefore, Applicants submit that independent claim 1 is not unpatentable under 35 U.S.C. § 102(e) over Wu. Claims 2—19 depend from independent claim 1 and are not unpatentable for at least the reasons discussed above regarding claim 1.

Finally, for the reasons presented above, the method of independent claim 20 is not unpatentable under 35 U.S.C. § 102(e) over Wu. That is, Wu does not describe a stent that is "constructed and arranged to reduce or prevent contact between the strut body and an adjacent component of stent when the stent is in the reduced state" or a method of producing such a stent, as recited in independent claim 20. Claim 21 depends from independent claim 20 and is not unpatentable for at the reasons presented above regarding claim 20. Thus, Applicants request withdrawal of the rejections under 35 U.S.C. § 102(e).

Application No. 10/053756
Page 7

Amendment
Attorney Docket No. S63.2B-10056-US01

Conclusion

Applicants believe that claims 1-21 are allowable and respectfully requests the Examiner reconsider and withdraw the rejections to claims 1-21 which Applicants believe puts the application in condition for allowance. Favorable consideration and prompt action to that effect are sincerely requested.

Should the Examiner believe that anything further would be desirable in order to place this application in better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By:

James M. Urzedowski
Reg. No. 48,596

Date: June 23, 2004

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\jls\10056us01_amd_20040623.doc